Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 76

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
MAR 13 2006
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY CLERK

IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	**CAUSE NO. A 05 CA 334 SS**
	§	
FULBRIGHT & JAWORSKI, LLP,	§	
	§	
Fulbright.	§	

UNOPPOSED MOTION TO FILE UNDER SEAL PLAINTIFFS' RESPONSE TO FULBRIGHT'S MOTION FOR SUMMARY JUDGMENT AND THE APPENDIX THERETO

COMES NOW, Fulbright & Jaworski, LLP ("Fulbright"), and files this Unopposed Motion to File Under Seal Plaintiffs' Response to Fulbright's Motion for Summary Judgment and the Appendix thereto, and in support thereof, would respectfully show the Court as follows:

On this date Plaintiffs are filing their Response to Fulbright's Motion for Summary Judgment ("Response to MSJ"). Plaintiffs are also filing the Appendix to Plaintiffs' Response to Fulbright's Motion for Summary Judgment ("Appendix"). The Response to MSJ and Appendix are being filed with the Court under seal pursuant to the Agreed Protective Order entered by this Court on October 24, 2005, which requires the parties to file under seal documents produced in discovery and designated by the Producing Party as "Confidential." *See* Agreed Protective Order ¶ 7.

Certain of the documents and deposition excerpts included in the Appendix to the Response to MSJ have been designated as "Confidential" either by the Plaintiffs, Plaintiffs'

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experts, or by third-party Johnson & Johnson. Similarly, the Response includes references to and quotations from material designated as "Confidential."

In view of the foregoing, Plaintiffs request that the Court order that the Response to MSJ and Appendix be filed under seal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served as shown below on this the 10th day of March, 2006:

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